

Supporting Statement
Application for Permission to Reapply for Admission
Into the United States After Deportation or Removal
Form I-212
(OMB No. 1615-0018)

A. Justification.

1. **Explanation of necessity.** Sections 212(a)(9)(A) and 212(a)(9)(C) of the Immigration and Nationality Act (Act) render an alien inadmissible to the United States unless he or she obtains the consent to reapply for admission to the United States. The information collection required on Form I-212 is necessary in order for the U.S. Citizenship and Immigration Services (USCIS) to make a determination regarding the alien's eligibility to receive consent to reapply. For example, USCIS must review all documents related to the alien's exclusion, deportation, or removal proceedings, the alien's record of immigration violations, and the alien's criminal record, if applicable. Moreover, if the alien is inadmissible under section 212(a)(9)(C)(i) of the Act, evidence must be submitted to demonstrate that the alien has remained outside the United States for a period of at least 10 years since the date of his or her last departure. If the Form I-212 is approved, the alien will be permitted to apply for admission to the United States as either an immigrant or a nonimmigrant.

2. **Purpose of collection.** The data collected on Form I-212 has been, and will continue to be, used by USCIS to determine whether an alien is eligible for and should be granted the benefit of consent to reapply for admission into the United States. This form has and will continue to serve the purpose of standardizing requests for consent to reapply. The Form I-212 data collection requirements ensure that the basic information required to assess eligibility for consent to reapply is provided by the alien when filing the application.
3. **Use of information technology.** The use of Form I-212 provides the most efficient means for collecting and processing the required data. In this case, USCIS does not employ the use of information technology in collecting and processing information, and currently does not have the automated capability in place to accept electronic submission of Form I-212. Moreover, USCIS must review all documents related to the alien's exclusion, deportation, or removal proceedings, the alien's record of immigration violations, and the alien's criminal record, if applicable. Therefore, it is currently not feasible to obtain such documentation through electronic means.
4. **Duplication of collection.** A review of the Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available which can be used for this purpose.
5. **Impact on small businesses or any other small entities.** This information collection does not have an impact on small businesses or other small entities.

6. **Consequences to the Federal program.** If the information is not collected, the USCIS will be unable to adjudicate requests by aliens who require consent to reapply for admission to the United States. This would create a public relations disaster, as aliens who are now able to seek consent to reapply for admission to the United States before their bar to admission has elapsed would no longer be able to do so. Many aliens would be permanently barred from entering the United States with no available remedy. The information collection contained in Form I-212 enables USCIS to effectively adjudicate requests made by aliens for consent to reapply.

7. **Explanation of special circumstances.** There are no special circumstances applicable to this information collection. The information collection requirements contained in Form I-212 must be complied with each time a Form I-212 is filed. Form I-212s have been and will continue to be filed by aliens on an ongoing basis.

In many instances, aliens will have to retain records of their exclusion, deportation or removal proceedings for more than 3 years. In addition, aliens will in many instances have to retain complete records of all their immigration violations, and records relating to criminal activity, for more than 3 years. Furthermore, aliens who are inadmissible under section 212(a)(9)(C)(i) will have to produce evidence that they have remained outside the United States for a period of at least 10 years since the date of their last departure.

8. **Solicitation of public comments.** The USCIS published a notice in the Federal Register on September 26, 2005 at 70 FR 56181, solicited public review and comment on the information collection. No comments were received.
9. **Explanation of payment or gift to respondents.** USCIS does not provide payment or gifts to respondents in exchange for a benefit sought.
10. **Assurance of confidentiality.** There is no assurance of confidentiality.
11. **Justification for any questions of a sensitive nature.** There are no questions of a sensitive nature.
12. **Estimate of hour burden.** Annual Reporting Burden:
- | | |
|---|-------------|
| a. Number of Respondents: | 4,200 |
| b. Number of Responses per each Respondent: | 1 |
| c. Total Annual Responses: | 4,200 |
| d. Hours per Response: | 2 |
| e. Total Annual Reporting Burden: | 8,400 |
| f. Public Cost | \$1,197,000 |

The projected hours per response for this collection of information were derived by first breaking the process into three basic components:

Learning about the Law and the Form:	45 minutes
Completion of the Form:	15 minutes
Assembling and Filing the Form:	60 minutes
<i>Total Hours per Response:</i>	<i>2 hours</i>

For the first two components, we used tests to determine completion times. People who were not conversant with immigration processes were used to determine average completion time. The third component of the process, "Assembling and Filing the Form", was broken down into subtasks. For example, the form can be mailed to a USCIS office or filed in person. Thus the time necessary to actually file the form can vary widely depending on the circumstances of the applicant.

Total annual reporting burden hours is 8,400. This figure was derived by multiplying number of respondents (4,200) x frequency of response (1) x hours per response (2).

Public Cost

The estimated annual public cost is \$ 1,197,000. This estimate is based on the number of respondents (4,200) x 2 hours per response x \$10 (average hourly rate), plus the number of respondents (4,200) x fee charge of \$265.

13. **Expenditure of monies for a capitalized item.** There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this collection are identified in question 14.

14. Annualized Cost Analysis:

a. Printing Cost	\$ 1,134
b. Collection and Processing	\$ 1,111,866
c. Total Cost to Program	\$ 1,113,000
d. Fee Charge	\$ 1,113,000
e. Total Cost to Government	\$ 0

Government Cost

The estimated cost of the program to the Government is calculated by using the estimated number of respondents (4,200) multiplied (x) by the suggested \$265 fee charge, (which includes the suggested average hourly rate for clerical, officer, and managerial time with benefits), plus a percent for the estimated overhead cost for printing, stocking, distributing and processing of this form.

15. **Change in the burden hours.** There has been no increase or decrease in the burden hours; the costs have increased due to a fee increase.
 16. **Published results.** USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.
 17. **Waiver of display of expiration date.** USCIS will display the expiration date for OMB approval of this information collection.
 18. **Exception to the certification statement.** USCIS does not request an exception to the certification of this information collection. See attached item 19 of Form OMB 83-I.
- B. No statistical methods will be employed for this information collection.**
- C. Certification and Signatures.**

PAPERWORK CERTIFICATION

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork

regulations, statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

Richard A. Sloan
Director
Regulatory Management Division

Date